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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,069	02/05/2004	Emrys Williams	5681-74900	6049
58467 MHKG/SUN P.O. BOX 398 AUSTIN, TX 78767	7590 10/22/2007		EXAMINER MORAN, RANDAL D	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 10/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

M2

Office Action Summary	Application No.	Applicant(s)	
	10/773,069	WILLIAMS, EMRYS	
	Examiner	Art Unit	
	Randal D. Moran	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 August 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 and 38-54 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-36,38-54 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

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DETAILED ACTION

1. Claims 1-36 and 38-54 are pending in this application. Although applicant fails to mention the canceling of any claims, claim 37 has been cancelled per amendment filed 8/20/2007.
2. This Office Action is in response to amendment filed 8/20/2007.
3. Below, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Rejections - 35 USC § 101

1. The rejection of **Claims 35 and 38-54** under 35 U.S.C. 101 is withdrawn in view of amendment filed 8/20/2007.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 8, 11, 14-17, 18-23, 25, 28, 31-43, 45, 48, and 51-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Funk (US 5,721,779)** in view of **Gasparini et al. (US 2004/0168083)**, hereafter "Funk".

3. Considering **Claims 1, 18, 35, 36, and 38**, Funk discloses a method for using a pass code to validate a user (abstract, column 8- lines 9-11), comprising: receiving a request from a user for validation (column 8- lines 11-12); generating a challenge in response to said request (column 8- lines 12-28); providing the user with the challenge (column 8- lines 28-29); receiving, from a user-input device, user input that transforms the challenge into a pass code allocated to the user (column 8- lines 30-36), generating a response to the challenge from the user input received from the user input device (column 8- lines 36-39, column 12-lines 6-15); and validating the user on the basis of said response against a stored version of the pass code (column 8- lines 39-45).

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Funk does not explicitly disclose wherein the user input is dependent on the challenge such that the user input to transform the challenge into the pass code is different for different challenges.

Gasparini discloses the user input is dependent on the challenge such that the user input to transform the challenge into the pass code is different for different challenges ([0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Funk by wherein the user input being dependent on the challenge such that the user input to transform the challenge into the pass code is different for different challenges as taught by Gasparini in order to ensure that the user provide sufficient indicia of identity (Gasparini- [0030] lines 1-3).

4. Considering **Claims 2, 19, and 39**, the combination of Funk and Gasparini discloses challenge is independent of said pass code (Funk- column 9- lines 22-27).

5. Considering **Claims 3, 20, and 40**, the combination of Funk and Gasparini discloses generating a new challenge for each user validation (Funk- column 3- lines 23-28).

6. Considering **Claims 4, 21, and 42**, the combination of Funk and Gasparini discloses challenge is generated on a random basis (Funk- column 3- lines 23-28).
7. Considering **Claims 5, 22, and 41**, the combination of Funk and Gasparini discloses challenge is generated in response to receiving a request from a user for validation (Funk- Fig. 3A- item 202, column 8- lines 9-12).
8. Considering **Claims 6, 23, and 43**, the combination of Funk and Gasparini discloses providing a user with a challenge comprises displaying the challenge to the user (Funk- Fig. 2- item 52, Fig. 3A- item 208, column 8- lines 9-11 and 30-34).
9. Considering **Claims 8, 25, and 45**, the combination of Funk and Gasparini discloses the response from the user is received as a set of one or more modifications to be applied to the challenge so that it matches the pass code allocated to the user (Funk- column 4- lines 48-65).
10. Considering **Claims 11, 28, and 48**, the combination of Funk and Gasparini discloses challenge has the same number of characters as the pass code allocated to the user (Funk- column 4- lines 26-48, column 5- lines 4-14).

11. Considering **Claims 14, 31, and 51**, the combination of Funk and Gasparini discloses receiving an indication from the user that the response has been completely entered (Funk- column 8- lines 32-36).
12. Considering **Claims 15, 32, and 52**, the combination of Funk and Gasparini discloses generating an entered pass code from the challenge and from the response from the user (Funk- column 5- lines 4-33).
13. Considering **Claims 16, 33, and 53**, the combination of Funk and Gasparini discloses the response is validated by comparing the entered pass code with the stored data record of the pass code (Funk- column 5- lines 34-40).
14. Considering **Claims 17, 34, and 54**, the combination of Funk and Gasparini discloses receiving a communications challenge from an authorization unit that has access to said stored data record of the pass code (Funk- Fig. 2- item 40, column 8- lines 14-18); using the response to encrypt said communications challenge (Funk- column 4- lines 50-52); and transmitting the encrypted communications challenge to the authorization unit (Funk- column 4- lines 66-67), thereby allowing the response input by the user to be validated by said authorization unit against said stored data record of the pass code (Funk- column 4- line 67, column 5- lines 34-40).

2. **Claims 7, 24, and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Funk and Gasparini** in view of **Hirsch (US 4, 479, 112)**.

3. Considering **Claims 7, 24, and 44**, the combination of Funk and Gasparini is silent on the challenge is displayed to the user in such a manner as to prevent third parties from viewing the challenge.

Hirsch discloses the challenge is displayed to the user in such a manner as to prevent third parties from viewing the challenge (column 16, lines 62-68, column 17- lines 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Funk and Gasparini by the ability to display the challenge in a way that prevents third party viewing as taught by Hirsch in order to provide data entry without fear of the data being compromised in the presence of a bystander (Hirsch- column 2- lines 16-17).

4. **Claims 9, 10, 26, 27, 46, and 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Funk and Gaparini** in view of **Kelly (US 5,475,757)**.

5. Considering **Claims 9, 26, and 46**, the combination of Funk and Gasparini is silent on the set of one or more modifications is received as directional input from the user.

Kelly discloses the set of one or more modifications is received as directional input from the user (Fig. 2- item 26.1 and item 27.1, column 8- lines 66-67, column 9- lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Funk and Gasparini by the ability to receive modifications as directional input from the user as taught by Kelly in order to allow the user manually select the data string (Kelly- column 8- lines 66-67, column 9- lines 1-5).

6. Considering **Claims 10, 27, and 47**, the combination discloses directional input is received as the result of the user pressing one or more arrow keys that increment or decrement the challenge by a fixed amount (Kelly- Fig. 2- item 26.1 and item 27.1, column 8- lines 66-67, column 9- lines 1-5).

7. **Claims 12, 13, 29, 30, 49, and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Funk and Gasparini**.

8. Considering **Claims 12, 29, and 40**, Funk is silent on said transformation is specified individually for each character of the challenge. Funk does disclose that the client can generate this response signal by employing the same one-way commutative function to encrypt the challenge signal, C, with one valid password (column 4- lines 51-53). Therefore it would have been obvious to transform the character string individually for each character of the challenge.

9. Considering **Claims 13, 30, and 50**, Funk discloses receiving an indication from the user that the transformation for a different character is about to be entered. It is inherent in this system that a user would specify when they are entering a transformation for the next character.

Response to Arguments

1. Applicant's arguments with respect to **Claim 1** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randal D. Moran whose telephone number is 571-270-1255. The examiner can normally be reached on M-F: 7:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Randal D. Moran
/RDM/

10/16/2007



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